

CHAPTER 100: DEFINITIONS REGULATION

SUMMARY: This regulation provides definitions for those terms used in the air pollution control regulations and emission standards.

1. Actual emissions. "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit. In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. The Department may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

A. For the purposes of determining baseline emissions from a source, the Department shall presume the calendar year 1977 is representative of normal operation, for SO₂ and TSP and calendar year 1987 is representative of normal operation for NO₂, except the Department may allow the use of a different time period upon a determination that it is more representative of normal operation.

B. For the purpose of determining whether a net emissions increase has occurred, the Department shall use the two (2)-year period which precedes the application and which is representative of normal operation. The Department may allow the use of a different period upon a determination that it is more representative of normal operation.

2. Adverse impact on visibility. "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of an area. This determination shall be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how those factors correlate with (a) times of visitor use of the area, and (b) the frequency and timing of natural conditions that reduce visibility. This term shall include effects on integral vistas designated in Chapter 114.

3. Air contaminants. "Air contaminants" include, but are not limited to, dust, fumes, gas, mist, particulate matter, smoke, vapor or any combination thereof.

4. Air Quality Related Values (AQRV). "Air Quality Related Values" means all those values possessed by a Class I area except those that are not affected by changes in air quality and

include all those assets of an area whose vitality, significance, or integrity is dependent in some way upon the air environment. Those values include visibility and those scenic, cultural, biological, and recreational resources of an area that are affected by air quality.

5. Air pollution control apparatus. "Air pollution control apparatus" means and includes any appliance, equipment, or machinery which remove, control, reduce, eliminate, dispose of or render less noxious the emission of air contaminants into the ambient air.

6. Allowable emissions.

A. "Allowable emissions" means the emission rate of an emissions unit or source calculated using the maximum rated capacity of the emissions unit, unless the emissions unit is subject to license conditions which restrict the operating rate, or hours of operation, or both, and the most stringent emission rate applicable to the emissions unit as reflected in the emission license (including those with a future compliance date) or applicable state or federal standards or regulations. In no case shall allowable emissions exceed any requirements of 40 CFR Part 60, New Source Performance Standards (NSPS), 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS).

B. For the purpose of obtaining a license to construct, the applicant's allowable emissions shall be based on limits referred to in Section 6(A) above of this Chapter, which are federally enforceable.

NOTE: Certain emission limitations and control technologies are federally enforceable. These requirements include 40 CFR Part 60, NSPS, and Part 61, NESHAPS, and other limitations imposed on any new air emissions license issued since January 30, 1980, under the State's approved State Implementation Plan (SIP) for New Source Review (40 CFR 51.160).

7. Ambient air. "Ambient air" means all air outside of buildings, stacks or exterior ducts. See Chapter 116 Section I.

8. As applied. "As applied" means including any dilution solvents added before application of the coating.

9. Base case. See Chapter 113.

10. Baseline concentration. "Baseline concentration" means the actual ambient air quality which existed in an area as of: August 7, 1977, for SO₂ and Total Suspended Particulate (TSP) and February 8, 1988, for nitrogen dioxide (NO₂).

For sulfur dioxide (SO₂) and TSP, this term shall include the actual emissions representative of SO₂ and TSP sources in existence on August 7, 1977, and the allowable

emissions of sources which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.

The following SO₂ and TSP emissions shall not be included in the baseline concentration and will affect the applicable maximum allowable increases adopted pursuant to Chapter 110 of the Department's regulations:

A. Actual emissions from any source on which construction commenced between January 6, 1975 and August 7, 1977; and

B. Actual emission increases and decreases at any source occurring after August 7, 1977.

For nitrogen oxides (NO_x) (measured as NO₂), this term shall include the actual emissions representative of sources in existence on February 8, 1988. For sources starting operation after February 8, 1985, but prior to February 8, 1988, representative emissions shall be determined after three years of operation and be based on two years of actual emissions more representative of normal operation. NO_x sources commencing construction by February 8, 1988, but not in operation by that date shall use allowable emissions for baseline concentration until three years after start of operations at which time actual emissions more representative of normal operation for that source shall be determined and used for baseline concentration.

The actual NO_x (measured as NO₂) emissions increases or decreases at any source occurring after February 8, 1988, shall not be included in the baseline concentration and will affect the maximum allowable increases pursuant to Chapter 110 of the Department's regulations, except as specified in the previous paragraph.

NOTE: This term identifies which emissions are included in baseline; all other emission increases consume increment. (Increment is defined as a maximum allowable increase in concentration of SO₂, TSP, and NO₂ over the baseline concentration of such pollutant.)

It may not be necessary to determine baseline concentration. It is only necessary to determine that sufficient increment is available and that ambient air quality standards will be met. All increases in actual emissions over base year emissions, including increases in operating rates or hours, consume increment. The term does not define baseline area as in federal regulations since the SO₂ and TSP; August 7, 1977, and the NO_x; February 8, 1988, dates are uniform on a statewide basis.

11. Begin actual construction. "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

12. Best Available Control Technology (BACT). "Best Available Control Technology" means an emission limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant emitted from or which results from the new or modified emissions unit which the Department on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such emissions unit through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of each pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and 61 or any applicable emission standard established by the Department. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emission standard infeasible, a design, equipment, work practice, operational standard or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

13. Best Available Retrofit Technology (BART). "Best Available Retrofit Technology" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If the state determines that technological or economic limitations on the applicability of measurement methodology to a particular existing facility would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.

14. Best Practical Treatment (BPT). "Best Practical Treatment" means that method which controls or reduces emissions of regulated pollutants to the lowest possible level considering:

- A. The then existing state of technology,
- B. The effectiveness of available alternatives for reducing emissions from the source being considered, and
- C. The economic feasibility for the type of establishment involved.

15. Board. "Board" means the Board of Environmental Protection.
16. Bulk gasoline plant. "Bulk gasoline plant" means a gasoline storage and distribution facility with a daily throughput of 20,000 gallons of gasoline or less and whose purpose is to load gasoline into tank trucks.
17. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck, and has a daily throughput of more than 76,000 liters (20,000 gallons) of gasoline.
18. Capture system. "Capture system" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) used to contain, capture, or transport an air pollutant to a control device.
19. Carbon adsorber. "Carbon adsorber" means a device containing adsorbent material (e.g., activated carbon), an inlet and outlet for exhaust gases, and a system to regenerate or replace the saturated adsorbent.
20. Commence. "Commence," as applied to the construction of a source or modification, means that the owner or operator has all necessary preconstruction approvals or permits required by state or federal air quality control laws and regulations and has either:
- A. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 - B. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
21. Commissioner. "Commissioner" means the Commissioner of the Department of Environmental Protection.
22. Condensate. "Condensate" means Volatile Organic Compounds (VOC) liquid, separated from natural gas, that condenses due to changes in temperature or pressure and remains liquid at standard conditions.
23. Condenser. "Condenser" means a device that removes condensable vapors by a reduction in the temperature of the captured gases. A surface condenser affects condensation by indirect contact between the coolant and process gas stream.
24. Construction. "Construction" means any physical change or change in the method of

operation including fabrication, erection, installation, demolition or modification of an emissions unit.

25. Continuous emission monitor. "Continuous emission monitor" means the total equipment required for the determination of a gas concentration, pollutant emission rate or opacity reading and the associated data recording equipment (e.g., strip chart, computer dish, magnetic tape, etc.).

26. Control system. "Control system" means a combination of one or more capture system(s) and control device(s) working in concert to reduce discharges of pollutants to the ambient air.

27. Curtailment. "Curtailment" means the partial or temporary removal of equipment or partial or temporary cessation of use of a particular piece of equipment resulting in a partial reduction of emissions.

28. Department. "Department" means the Department of Environmental Protection which includes both the Board and the Commissioner.

29. Dispersion technique. See Chapter 116 Section II(A) and II(B).

30. Double block-and-bleed system. "Double block-and-bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

31. Emission. "Emission" means the release of air contaminants into the ambient air, or the air contaminants so released.

32. Emission limitation or emission standard. The terms, "emission limitation" and "emission standard," mean a requirement which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including the use of specific technology or fuels with specified pollution characteristics or any requirement relating to the operation or maintenance of a source or emissions unit to assure continuous emission reduction.

33. Emissions unit. "Emissions unit" means any equipment or pollutant-emitting activity of a source which emits or would have the potential to emit a regulated pollutant.

34. EPA. "EPA" means the Administrator of the EPA or designee.

35. Excessive concentration. See Chapter 116 Section II(E).

36. Exempt VOC compounds. "Exempt VOC compounds" means those compounds which are excluded from the definition of VOC due to their negligible photochemical reactivity.

37. External floating roof. "External floating roof" means a storage vessel cover in an open-top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and the tank shell.

38. Facility, building, structure, or installation. "Facility, building, structure, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two (2)-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (United States Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

39. Federal land manager. "Federal land manager" means the Secretary of the Federal Department with authority over the Federal Class I area or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.

40. Federally enforceable. "Federally enforceable" means all limitations and conditions which are enforceable by the EPA, including those license requirements or other requirements developed pursuant to or within the following:

1. 40 CFR Part 51, Subpart I, or Part 55 (relating to review of new sources and modifications)
2. 40 CFR §§ 52.10 and 52.21 (relating to prevention of significant deterioration of air quality);
3. 40 CFR Part 60 (relating to standards of performance for new stationary sources);
4. 40 CFR Parts 61 and 63 (relating to national emission standards for hazardous air pollutants);
5. 40 CFR Parts 70, 71 or 72 (relating to operating permit program);
6. Any applicable State Implementation Plan; and
7. Operating permits issued under an EPA-approved operating permit program that is incorporated into the State Implementation Plan and expressly requires adherence to any air emission license issued under such program.

41. Fuel-burning equipment. "Fuel-burning equipment" means any furnace, boiler, apparatus,

and all appurtenances thereto used in the process of burning fuel, for the primary purpose of producing heat and power, including stationary internal combustion engines.

42. Fugitive emissions. "Fugitive emissions" means the release of pollutants to the air that are not emitted through stacks, vents, ducts, pipes, or any other confined air stream. Fugitive emissions include, but are not limited to, fugitive equipment leaks, evaporative losses from surface impoundments, and releases from building ventilation systems.

43. Gaseous excess emissions. "Gaseous excess emissions" means any period which the average gaseous emissions, as measured by the continuous emission monitor, exceeds the applicable emission standard.

44. Gasoline. "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a true vapor pressure of 1.5 pounds per square inch (10.5 kilopascals) or greater at 60 degrees Fahrenheit or a Reid Vapor Pressure of 4 pounds per square inch (27 kilopascals) and which is used as a fuel for internal combustion engines.

45. General process source or general process equipment. "General process source" or "general process equipment" means any emissions unit, except fuel-burning equipment, incinerators, and mobile sources.

46. Good engineering practice stack height. See Chapter 116 Section II(C).

47. Hazardous air pollutant. "Hazardous air pollutant" means an air pollutant to which no ambient air standard is applicable and which in the judgment of the Board causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness. This term shall include, but is not limited to, those pollutants for which EPA has adopted NESHAPS at 40 CFR Part 61.

48. Incinerator. "Incinerator" means any device, apparatus or equipment used for destroying, reducing or salvaging by fire any material or substance and shall be classified as follows:

A. Class I - Portable, packaged, completely assembled, direct feed incinerators five (5) to fifteen (15) cubic feet primary chamber volume; or a burning rate of 25 to 100 pounds per hour of type 1 or 2 waste; or a burning rate of 25 to 75 pounds per hour of type 3 waste;

B. Class IA - Portable, packaged, or job assembled, direct feed incinerators with five (5) to fourteen (14) cubic feet primary chamber volume; or a burning rate of 25 to 100 pounds per hour of type 1 or 2 waste; or a burning rate of 25 to 75 pounds per hour of type 3 waste;

C. Class II - Flue-fed, single chamber incinerators with more than two (2) square feet burning area, for type 2 waste. This type of incinerator is served by one vertical flue

functioning both as a chute for charging waste and to carry the products of combustion to atmosphere. This type of incinerator has been installed in apartment houses or multiple dwellings;

D. Class IIA - Chute-fed multiple chamber incinerators, for apartment buildings with more than two (2) square feet burning area, suitable for type 1 or type 2 waste. (Not recommended for industrial installation). This type of incinerator is served by a vertical chute for charging wastes from two or more floors above the incinerator and a separate flue for carrying the products of combustion to the atmosphere;

E. Class III - Direct fed incinerators with a burning rate of 100 pounds per hour and over, suitable for type 3 waste;

F. Class IV - Direct fed incinerators with a burning rate of 75 pounds per hour or over, suitable for type 3 waste;

G. Class V. - Municipal incinerators suitable for type 0, type 1, type 2 or type 3 wastes, or a combination of all four wastes, and are rated in tons per 24-hours;

H. 1. Class VI - Crematory and pathological incinerators, suitable for type 4 waste, and

2. Class VI A - Pathological - infections waste incinerators, suitable for type 7 waste; and

I. Class VII - Incinerators designed for specific by-products wastes, type 5 or type 6.

49. Indian governing body. "Indian governing body" means the governing body of any tribe, land, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

50. Indian reservation. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

51. Innovative control technology. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

52. Integral vista. "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area which has been designated by the appropriate federal authority (40 CFR 81.437) or by the Board pursuant to Chapter 114.

53. Intermittent Control System (ICS). "Intermittent Control System" means a dispersion technique which varies the rate at which pollutants are emitted into the atmosphere according to meteorological conditions and/or ambient concentrations of the pollutant, in order to prevent ground-level concentrations in excess of applicable ambient air quality standards. Such a dispersion technique is an ICS whether used alone, used with other dispersion techniques, or used as a supplement to continuous emission control (i.e., used as a supplemental control system).
54. Internal floating roof. "Internal floating roof" means a cover or roof in a fixed-roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.
55. Leak. "Leak" means any discharge of liquid or solid, or emission of air contaminants, from any confining structure including, but not limited to, stacks, pipes, vents, or ducts, except where allowable emissions pass through the intended outlet for the emissions.
56. Lowest Achievable Emission Rate (LAER). "Lowest Achievable Emission Rate" means the more stringent rate of emissions based on the following:
- A. The most stringent emission limitation which is contained in the implementation plan of any State for that class or category of source, unless the owner or operator of the proposed source demonstrates that those limitations are not achievable; or
 - B. The most stringent emission limitation which is achieved in practice by that class or category of source, whichever is more stringent. In no event may LAER result in emission of any pollutant in excess of those standards and limitations promulgated pursuant to Section 111 or 112 of the United States Clean Air Act as amended, or any emission standard established by the Department.
57. Major modification. "Major modification" means any modification of an existing stationary source which results in a significant emissions increase of any regulated pollutant. Any emissions increase that is a significant emission increase for VOC or NO_x shall be considered a significant emissions increase for ozone.
58. Major source. "Major source" means any source which emits or has the potential to emit any regulated pollutant at a rate equal to or greater than the emission rates for significant emissions as defined in this Chapter, or any physical change at a nonmajor source which would not otherwise be considered major, if the change would constitute a major source by itself. A source that is major for VOC or NO_x shall be considered major for ozone. Fugitive emissions from a source that are quantifiable shall be included in determining whether a source is major.
59. Marginal ozone nonattainment area. "Marginal ozone nonattainment area" means the area so classified by the EPA, as not meeting or exceeding the National Ambient Air Quality

Standard for ozone published at 40 CFR Part 81.

NOTE: As of the effective date of this regulation, the following counties are within the marginal ozone nonattainment area:

Hancock
Waldo

60. Maximum true vapor pressure. "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a stored liquid at the temperature equal to: (1) for liquids stored above or below the ambient temperature, the highest calendar-month average of the liquid storage temperature, or (2) for liquids stored at the ambient temperature, the local maximum monthly average temperature as reported by the National Weather Service. This pressure shall be determined:

- A. In accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks;
- B. By using standard reference texts;
- C. By American Standard Testing Method (ASTM) D2879-83; or
- D. By any other method approved by the Department or the EPA.

61. Moderate ozone nonattainment area. "Moderate ozone nonattainment area" means the area so classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.

NOTE: As of the effective date of this regulation, the following counties are within the moderate ozone nonattainment area:

Androscoggin
Cumberland
Kennebec
Knox
Lincoln
Sagadahoc
York

62. Modification or modified source. "Modification or modified source" means any physical change in, or change in the operation of a source, or any change which results in the emission of any such pollutant not previously emitted, except that:

A. Routine maintenance, repair, and replacement shall not be considered a physical change;

B. The following shall not be considered a change in the method of operation:

1. An increase in the production rate at an existing source, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166, and if such increase does not exceed the operating design capacity of the source;
2. An increase in the hours of operation, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166; or
3. Use of an alternative fuel or raw material if prior to January 6, 1975, the source is designed to accommodate and is licensed to use such alternative fuel; and

C. Replacement of pollution control apparatus shall not be considered a physical change or change in the method of operation for the purposes of this definition, but shall be governed by the requirements found in Chapter 115 Section VI.

63. Nearby. See Chapter 116 Section II(D).

64. Negligibly photochemically reactive VOC. See Section 97, Volatile Organic Compound.

65. Net emissions increase. "Net emissions increase" means the amount by which the sum of the following exceeds zero:

A. Any increase in actual emissions from a particular physical change or change in the method of operation at a source;

B. Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable;

1. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five (5) years before the date that the increase from the particular change occurs;
2. An increases in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level

3. An increase or decrease of actual emissions of nitrogen oxides which occurs before February 8, 1988, are creditable only if it is required to be considered in calculating the maximum allowable increases remaining available; and

NOTE: In general, this means increases prior to February 8, 1988, are not added to increases after February 8, 1988, to arrive at the net emissions increase. It also means decreases prior to February 8, 1988, are not subtracted from increases after February 8, 1988, to arrive at the net emissions increase.

4. A decrease in actual emissions is creditable only to the extent that:

a. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual or allowable emission, whichever is greater;

b. It is enforceable by both the Department and the Administrator of the EPA after the time that actual construction on the change begins;

c. It has not been relied upon in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I, or it has not been relied upon in demonstrating attainment or reasonable further progress; and

d. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

C. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

66. Nitrogen oxide (NO_x). "NO_x" means all oxides of nitrogen, measured as NO₂ on a molar basis.

67. Nonattainment area. "Nonattainment area" means an area designated by the Department pursuant to Chapter 114 of the Department's regulations (relating to classification of air quality control regions), or those areas designated by the EPA pursuant to Section 107 of the CAA, in which one or more ambient air quality standards are not being met.

68. Nonattainment pollutant. "Nonattainment pollutant" means an air contaminant which is the basis for a nonattainment area. For ozone nonattainment areas and the Ozone Transport Region, emissions of VOC and NO_x shall be considered to be the nonattainment pollutant.

69. Nonclassified ozone nonattainment area. "Nonclassified ozone nonattainment area" means the area so classified by the EPA that has incomplete or no data published at 40 CFR Part 81.

NOTE: As of the effective date of this regulation, the following municipalities and unorganized areas are within the nonclassified ozone nonattainment area:

Albany Township	Palmyra
Andover	Paris
Andover West Surplus	Perkins Township
Anson	Peru
Avon	Pittsfield
Bethel	Roxbury
Buckfield	Rimford
Canaan	Skowhegan
Canton	Smithfield
Carthage	St. Albans
Chesterville	Starks
Cornville	Stoneham
Detroit	Strong
Dixfield	Sumner
Fairfield	Sweden Temple
Farmington	
Greenwood	
Hanover	
Hartford	
Hartland	
Hebron	
Industry	
Jay	
Lovell	
Madison	
Mason Township	
Mercer	
Mexico	
Milton Township	
New Sharon	
New Vineyard	
Newry	
Norridgewock	
Norway	
Otisfield	
Oxford	

Washington Township
Waterford

Weld
West Paris

Wilton
Woodstock

70. Normal operation. "Normal operation" means the level of operation that actually occurred or can be reasonably anticipated to occur in meeting the source's needs or demand over a reasonable period of time. Emissions units that are under construction or are going through initial start up procedures (refractory curing, tube boilout, etc.) have not begun normal operations. Factors that change the source's operation (i.e. market changes) will change the normal operation.

71. NO_x. See definition for nitrogen oxide.

72. Opacity. "Opacity" means the degree of light obscuring capability of emissions of visible air contaminants expressed as a percentage. For example, complete obscuration shall be expressed as 100% opacity.

73. Open burning. "Open burning" means the burning of any type of combustible material in the open ambient air without being completely enclosed and where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or duct or other device or structure.

74. Open-ended valve or line. "Open-ended valve or line" means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

75. Organic compound. "Organic compound" means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, methallic carbides or carbonates, and ammonium carbonate.

76. Overall VOC emission reduction efficiency. "Overall VOC emission reduction efficiency" means the weight per unit time of VOC removed or destroyed by a control device divided by the weight per unit time of VOC generated by a source, expressed as a percentage. The overall emission reduction efficiency can also be calculated as the product of the capture efficiency and the control device destruction or removal efficiency.

77. Owner or operator. "Owner or operator" means any person who owns, leases, operates, controls or supervises an air contaminant source.

78. Ozone Transport Region. "Ozone Transport Region" means that part of the State of Maine included in a region of states comprised of Connecticut, Delaware, Maine, Maryland,

Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia, established by Section 184 of the CAA for the control of interstate ozone air pollution. For the State of Maine, the Ozone Transport Region includes all of the counties in the State.

79. Particulate matter. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers as measured by applicable reference methods or an equivalent or alternative method specified in 40 CFR Part 51.

80. Particulate matter emissions. "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods specified in 40 CFR Part 60, Appendix A. The applicable reference methods are Methods 5 and 17.

81. Person. "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental agency or other legal entity.

82. Petroleum liquids. "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

83. PM_{10} . " PM_{10} " means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J. and designated in accordance with 40 CFR Part 53.

84. PM_{10} emissions. " PM_{10} emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by a relevant reference method based on 40 CFR Part 51 Subpart K and 40 CFR Part 51, Appendix M. The relevant reference methods are Method 201 and 201A for measurement of in-stack PM_{10} emissions.

85. Pollutant or air pollutant. "Pollutant or air pollutant" means the same as "air contaminant."

86. Potential to emit. "Potential to emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in the determining the potential to emit of a source.

87. Pressure release. "Pressure release" means the emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

88. Process weight rate. "Process weight rate" means the average total weight of all materials, not including any gaseous, liquid or solid fuels, moisture or combustion air, introduced into any manufacturing, industrial or combustion process that may result in the emission of any regulated air pollutant to the ambient air, computed on an hourly basis, and shall be expressed in terms of weight per unit of time.
89. Production area. See Chapter 116 Section I(A).
90. Reasonable further progress. "Reasonable further progress" means such annual incremental reductions in emissions of the relevant air contaminant as are required by Part D of the CAA or may reasonably be required by the EPA for the purpose of ensuring attainment of the relevant national ambient air quality standards in the area by the relevant statutory deadlines.
91. Reasonably attributable. "Reasonably attributable" means attributable by visual observation or any other technique the State deems appropriate.
92. Reasonably Available Control Technology (RACT) . "Reasonably Available Control Technology" means that method of treatment that is reasonably available as a retrofit to existing processes or equipment involved and shall be determined by the Department for the class or category of such source considering the existing state of technology, current federal guidelines for determining of the degree of emission reduction achievable and the type and unique character of affected sources.
93. Reconstruction or reconstructed. The provisions of 40 CFR Part 60.15(f)(1) through (3) shall determine if reconstruction has taken place. "Reconstruction" shall be presumed to have taken place where the fixed capital cost of the new component exceeds 50% of the fixed capital cost of a comparable entirely new emissions unit.
94. Region. "Region" means an air quality control region or regions established by the Board pursuant to Chapter 114.
95. Regulated pollutant. "Regulated pollutant" means an air contaminant subject to regulation or limited by license conditions by the Department or subject to regulation by the EPA.
96. Responsible official. "Responsible official" means one of the following:
- (A) For a corporation: a president, secretary, treasure, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

1. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$250 million;

2. The delegation of authority to such representative is approved in advance by the Department;

(B) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(C) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).

97. Secondary emissions. "Secondary emissions" means emissions which occur as a result of the construction or operation of a source or modification, but do not come from the source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the source or modification which causes the secondary emissions. Secondary emissions include, but are not limited to: (1) emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the source or modification; (2) emissions from ships, trains, trucks or other mobile sources associated with the new source or modification.

98. Serious ozone nonattainment area. "Serious ozone nonattainment area" means the area so classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.

NOTE: As of the effective date of this regulation, the State of Maine does not contain and serious ozone nonattainment areas.

99. Shake down period. "Shake down period" means the time from the initial operation of an emissions unit until the time the emission unit achieves operation at the maximum production rate at which it will be operated, but not to exceed 180 days after initial startup.

100. Shutdown. "Shutdown" means the complete and permanent removal of equipment or the complete and permanent cessation of use of a piece of equipment.

101. Significant emissions. "Significant emissions" means any rate of emissions that would equal or exceed in the aggregate any of the following rates; and also includes any emission rate of a regulated pollutant not yet listed in this subsection:

Regulated pollutant	Emission rate (tons per year)
Carbon monoxide	100
Sulfur dioxide	40
Total suspended particulate	25
Ozone (measured as VOC)	40
Nitrogen Oxides (as precursor to ozone)	100
Nitrogen Oxides	100
Lead	0.6
Asbestos	0.007
Beryllium	0.0004
Mercury	0.1
Vinyl Chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
Chromium	0.2
PM ₁₀	15
MWC organics (Municipal Waste Combuster measured as total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
MWC metals (measured as particulate matter)	15
MWC acid gases (measured as SO ₂ and HCL)	40

102. Significant emissions increase. "Significant emissions increase" means any net emissions increase of a regulated pollutant that would equal or exceed any of the rates listed in the previous section, except for nitrogen oxides. For sources that emit nitrogen oxides, the following emission rates shall apply:

- A. Nitrogen oxides 100 tpy for new sources
40 tpy for modification to existing major source
100 tpy for modification to nonmajor source
- B. Any emission rate or a net emissions increase associated with a major stationary source or major modification, which would construct within ten (10) kilometers of a Class I area and have an impact on such area equal to or greater than one (1) microgram per cubic meter (g/m³) (24-hour average).

103. Significant impact. "Significant impact" means the contribution for all contaminants which is equal to or greater than, or may reasonably be expected to be equal to or greater than,

the levels shown below for the respective averaging times:

Pollutant	Averaging Time				
	Annual	24-Hr	8-Hr	3-Hr	1-Hr
SO ₂	1.0 g/m ³	5 g/m ³			
PM ₁₀	1.0 g/m ³	5 g/m ³		25 g/m ³	
TSP	1.0 g/m ³	5 g/m ³			
NO ₂	1.0 g/m ³				
CO			0.5 mg/m ³		2 mg/m ³

Any impact on a Class I area equal to or greater than 1 g/m³ (24-hour average) is considered to be significant.

104. Solvent. "Solvent" means a substance that is liquid at standard conditions and is used to dissolve or dilute another substance; this term includes, but is not limited to, organic materials used as dissolvers, viscosity reducer, degreasing agents, or cleaning agents.

105. Source. "Source" means any building, structure, facility, or installation which emits or may emit any regulated pollutant.

106. Stack. "Stack" means any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct, but not including flares.

107. Standard atmospheric conditions. "Standard atmospheric conditions" means a temperature of 20 degrees Celsius (68 degrees Fahrenheit) and pressure of 760 millimeters of Mercury (Hg) (29.92 inches Hg).

108. Tank truck. "Tank truck" means any truck or trailer used for the transport of gasoline from a stationary gasoline storage tank at a bulk gasoline terminal or bulk gasoline plant to another stationary storage tank at another bulk gasoline plant, bulk gasoline terminal, or gasoline dispensing facility.

109. Total Suspended Particulate (TSP). "Total Suspended Particulate" means particulate matter as measured by the method described in 40 CFR Part 50, Appendix B. (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (Hi-Volume Method)).

110. True vapor pressure. "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks, 1962.

111. Vapor control system. "Vapor control system" means any system that contains, collects, absorbs or condenses the gasoline vapors displaced from gasoline tank trucks as the trucks are being loaded with gasoline at the loading rack of a bulk gasoline terminal.

112. Visibility impairment. "Visibility impairment" means any humanly perceptible change in visibility in terms of visual range, contrast, or coloration from that which would have existed under natural conditions. Natural conditions include naturally occurring phenomena that reduce visibility in terms of visual range, contrast or coloration.

113. Volatile Organic Compounds (VOC). "Volatile Organic Compounds" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This definition excludes the following organic compounds which have been determined to have negligible photochemical reactivity:

- acetone
- methane;
- ethane;
- methylene chloride (dichloromethane);
- 1,1,1-trichloroethane (methyl chloroform);
- 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- chlorodifluoromethane (CFC-22);
- trifluoromethane (CFC-23);
- 1,1-difluoro-1-chloro-2,2-difluoro-2-chloroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- 1,1,1,2-tetrafluoroethane (HFC-134a);
- 1,1-dichloro-1-fluoroethane (HCFC-141b);
- 1-chloro-1,1-difluoroethane (HCFC-142b);
- 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- pentafluoroethane (HFC-125);
- 1,1,2,2-tetrafluoroethane (HFC-134);
- 1,1,1-trifluoroethane (HFC-143a);
- 1,1-difluoroethane (HFC-152a);
- parachlorobenzotrifluoride (PCBTF);
- cyclic, branched, or linear completely methylated siloxanes (VMS); and
- perfluorocarbon compounds which fall into these classes:
 - (1) cyclic, branched, or linear, completely fluorinated alkanes;
 - (2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (3) cyclic, branched, or linear, completely fluorinated tertiary amines with no

- unsaturations; and;
- (4) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

For purposes of determining compliance with emissions limits, VOC shall be measured by the test methods specified under the Department's regulations or 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds shall not be considered VOC if the amount of such compounds can be and is accurately quantified. As a precondition to excluding these compounds for purposes of determining compliance with an emission standard, the Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Department the amount of negligibly-reactive compounds in the source's emissions.

114. VOC incinerator. "VOC incinerator" means a combustion apparatus in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned and from which the solid and gaseous residues contain little or no combustible material.

115. Waste. "Waste" means refuse, garbage, rubbish, trash or unwanted or discarded materials of any kind and source which shall be classified as follows:

A. Type 0 - Trash, a mixture of highly combustible waste such as paper, cardboard cartons, wood boxes and combustible floor sweepings, from commercial and industrial activities. The mixtures contain up to ten (10)% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains about ten (10)% moisture and five (5)% incombustible solids and has a heating value of approximately 8500 British thermal units (BTU) per pound as fired;

B. Type 1 - Rubbish, mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings, from domestic, commercial and industrial activities. The mixture contains up to twenty (20)% by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes. This type of waste contains about 25% moisture and 10% incombustible solids and has a heating value of approximately 6500 BTU per pound as fired;

C. Type 2 - Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to fifty (50)% moisture, seven (7)% incombustible solids, and a heating value of approximately 4300 BTU per pound as fired;

D. Type 3 - Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and like installations. This type of waste contains up to seventy (70)% moisture, and up to five (5)% incombustible solids and has a heating

value of approximately 2500 BTU per pound as fired;

E. Type 4 - Human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources, consisting of up to 85% moisture, five (5)% incombustible solids and having a heating value of approximately 1000 BTU per pound as fired;

F. Type 5 - By-product waste, gaseous, liquid or semi-liquid such as tar, paints, solvents, sludge, fumes, etc. BTU values must be determined by the individual materials to be destroyed;

G. Type 6 - Solid by-product waste, such as rubber, plastics, contaminated wood waste, etc. BTU values must be determined by the individual materials to be destroyed; and

H. Type 7 - Infectious Waste - Commonly referred to as red bag waste, this includes surgical, obstetrical, biological, isolation, blood and blood product, renal dialysis, serums and vaccines, laboratory, and "sharps" (potentially infectious articles that may cause punctures or cuts, including intravenous tubes with needles attached) waste. Also included are animal carcasses and body parts, bedding and other wastes from animals re-exposed to pathogens and human tissues and anatomical parts which emanate from surgery, surgical procedures, autopsy, and laboratory. This term shall not include radiologically contaminated materials.

NOTE: This definition will be modified to conform to that contained within regulations promulgated by the Department's Bureau of Oil and Hazardous Waste.

BASIS STATEMENT: The basis of this regulation are those concepts and ideas used in air pollution control regulations and that need special definition to aid in the understanding of those regulations.

BASIS STATEMENT FOR AMENDMENT OF JULY 13, 1988: This amendment updates regulatory definitions for terms used throughout other regulations amended as of July 13, 1988. The amendment redefines the terms "source" and "modification" and includes new definitions related to the protection of visibility. These changes make the applicable definitions more consistent with the corresponding federal definitions.

BASIS STATEMENT FOR AMENDMENT OF SEPTEMBER 27, 1989: This amendment includes minor changes needed for consistency with corresponding federal definitions. No comments on the proposed changes were received by the Department.

BASIS STATEMENT FOR AMENDMENT OF JUNE 13, 1990: This regulation was amended to implement a federally mandated nitrogen oxide (NO_x) increment program in the State of Maine. As part of the Prevention of Significant Deterioration Program, these amendments establish

maximum increases in pollution concentrations allowed in an area above a determined baseline concentration. One commenter suggested minor changes to the definition of “baseline concentrations” for clarification and the additional amendment of the definition of “net emissions increase” to clarify how nitrogen oxide increments would be handled. Both comments were accepted and appropriate changes made. Another commentator expressed concern that the definition of “baseline concentration” should be consistent with the federal definition. Federal definition allows those sources which have received an air emission license prior to February 8, 1988, but do not have three years of operational data, to use “allowable emissions” in the baseline concentration. This policy could significantly increase the actual baseline concentration in an area and result in an inconsistent treatment of sources. The proposed amendment requires these affected sources to determine “actual” baseline concentration after the source is in operation for three years. In the interim, the source should use allowable emissions in determining baseline concentration. The proposed amendment treats all sources in a more fair and equitable manner.

BASIS STATEMENT FOR AMENDMENT OF NOVEMBER 26, 1991: This amendment adds or clarifies four definitions, PM₁₀ emissions, particulate matter emissions, federally enforceable, and VOC. PM₁₀ emissions and particulate matter definitions are required in order for EPA approval of the Presque Isle Group I PM₁₀ State Implementation Plan. EPA commented that additional compounds should be added to the VOC definition list of exempted compounds. Also, EPA recommended including specific test methods for PM₁₀ emissions and particulate matter emissions definitions. EPA also proposed Method 202 for measuring CPM (condensable particulate matter) emissions from stationary sources. Since this new method when finally promulgated will represent an EPA recommendation, not a requirement, the State of Maine has chosen not to include this in the definitions.

BASIS STATEMENT FOR AMENDMENT OF JANUARY 6, 1993: In the State of Maine, nine counties are classified as nonattainment for the federal ozone air quality standard. Ground-level ozone formation is caused by various operations that emit volatile organic compounds (VOC). This amendment adds nineteen new definitions used in four new regulations for surface coating facilities, solvent degreasers, graphic arts and cutback asphalt. Under Section 184 of the Clean Air Act Amendments of 1990, the State of Maine must submit plans to control VOC from all sources covered by a Control Technique Guideline (CTG) issued before November 15, 1990.

BASIS STATEMENT FOR AMENDMENT OF NOVEMBER 10, 1993: This amendment adds the responsible official definition and clarifies the fugitive emission definition, which are consistent with the Clean Air Act Amendments and reflect the addition of Chapter 137, Emission Statements. One comment was received concerning the fugitive emission definition and has been filed with the Secretary of State responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENT OF JUNE 22, 1994: Amendments were made in response to two separate rulemaking procedures pertaining to the gasoline marketing rules and new source review requirements, which were adopted simultaneously by the Board of Environmental Protection on the same date. For the gasoline marketing rules, a change was made to the

definition of leak, and the following definitions were added: bulk gasoline plant, gasoline, tank truck, and vapor control system. For the new source review requirements, the following definitions were added: curtailment, EPA, marginal ozone nonattainment area, nitrogen oxide (NO_x), NO_x, moderate ozone nonattainment area, nonclassified ozone nonattainment area, Ozone Transport Region, Reasonable further progress, serious ozone nonattainment area, shutdown and significant emissions increase. Changes were also made to the following existing definitions: federally enforceable, major modification, major source, nonattainment area, nonattainment pollutant, and significant emissions. And the definition for “stack” was relocated to its proper alphabetical location, and the following three definitions renumbered. In addition to this Basis Statement, the Department has filed with the Secretary of State two separate supplemental basis statements that summarize responses to representative comments received during the comment period.

BASIS STATEMENT FOR AMENDMENT OF July 19, 1995: This amendment ensures consistency with federal regulations by exempting acetone, parachlorobenzotrifluoride and volatile methyl siloxanes from the definition of volatile organic compounds following similar actions by EPA. In addition to this Basis Statement, the Department has filed with the Secretary of State a separate supplemental basis statement with responses to comments received during the comment period.

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